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09/766,528	01/22/2001	Jason G. Tatge	4F06BD 1-030	9790

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Roseland, NJ 07068-1791

EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/766,528

**Applicant(s)**

TATGE, JASON G.

**Examiner**

Lalita M Hamilton

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

At the time of the writing of this Office Action, an information disclosure statement sent by facsimile was entered into the system on February 3, 2004. A copy of the information disclosure statement is not available for viewing in EDAN at this time; therefore, this Action will not include a signed copy.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "100" and "110" have both been used to designate auction controller (AC) in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "110" has been used to designate both database server and auction controller in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 300. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

On page 1, first paragraph, "market place" should be "marketplace". In the second paragraph, "works" should be "words".

On page 2, first paragraph, "2-dimensional" should be "two-dimensional". In the third paragraph, there should be commas before and after "however"; there should be a comma after "but"; there should be a comma after "an item"; and there should be a comma after "conclusion of the auction".

On page 3, third paragraph, "next" should be deleted.

On page 4, first paragraph, "even price" should be "even-price"; there should be a comma after "(i.e. \$2.05)"; and there should be a comma after "color bar".

On page 5, first paragraph, there should be a semicolon after "\$2.00"; there should be a comma after "however"; and there should be a comma after "example".

On page 6, "figures 4A-9B" are not in the drawings. The drawings submitted have figures 1-8 only. In the first paragraph, there should be a comma after "system"; there should be a comma after "invention"; there should be a comma after "participants"; and there should be a comma after "likewise". In the second paragraph, there should be a comma after "Cluster".

On page 7, first paragraph, there should be a comma after "T1 line". In the second paragraph, the term "that" should be inserted between "understood" and "the".

On page 8, first paragraph, there should be a comma after "however".

On page 9, second paragraph, "auctionid" should be "auction ID" and "buyerid" should be "buyer ID". In the last paragraph, there should be a comma between "auction" and "for".

On page 12, first paragraph, there is a spacing issue between "figure 5" and "the". In the second paragraph, "here an bid amount" should be "here a bid amount".

On page 13, first paragraph, "one or more proxy bid" should be "one or more proxy bids".

Appropriate correction is required.

***Claim Objections***

Claims 5-19 are objected to because of the following informalities:

In claim 5, "users monitor" should be "user's monitor".

In claims 10 and 15, in the preambles, the Applicant should specify whether the systems utilize a computer network.

Appropriate correction is required.

The remaining claims are objected to for their dependency upon objected claims.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 and 15-19 are rejected for the following reasons:

In claim 1, "controlling bid" lacks antecedent basis.

In claim 15, "remote computer workstation video monitors" lacks antecedent basis.

Appropriate correction is required.

The remaining claims are rejected for their dependency upon rejected claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Boarman (6,609,112).

Boarman discloses a method and corresponding system for providing proxy-based online auction services comprising a computer system connectable to a plurality of monitors, displaying a current bid amount upon a computer monitor reflecting a monetary value, enter a proxy bid amount greater than the current bid amount into computer memory for a select user, automatically submitting a bid for the select user in an amount one bid level incrementally greater than the current bid amount in response to another bidder gaining the controlling bid in the auction, and repeating steps until the auction is closed or the current bid exceeds the proxy bid amount (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); displaying an indication of whether or not the select user's bid is the current bid upon the monitor of the select user (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); displaying the proxy bid upon the monitor of the select user (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); displaying a plurality of possible proxy bids upon the monitor from which the user may select a desired proxy bid amount (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); displaying a current bid amount upon the coupled monitors, displaying a plurality of possible proxy bids upon the coupled monitors, having

a select user select a proxy bid from the plurality of proxy bids displayed upon the select users monitor, entering a proxy bid selected by the select user into the networked computer system, and automatically submitting a bid for the select user in an amount greater than the current bid in response to another user entering a bid which qualifies as a new current bid (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); repeating the steps until the auction has concluded or the current bid amount exceeds the select user's proxy bid amount (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); displaying an indication of whether or not the select user's bid is the current bid upon the monitor of the select user (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); displaying the proxy bid upon the monitor of the select user (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); displaying a plurality of possible proxy bids upon the monitor from which the user may select a desired proxy bid amount (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); a host computer network, including database server means to electronically store auction data and means to access and transmit auction data in response to user commands, remote computer workstations including a video monitor, means to send user commands to the host computer network, and means to receive and display on the video monitor the auction data from the host computer network, communication network means for electronically linking the computer workstations to the host computer network, means for displaying a current bid upon the remote computer workstation video monitors, means for entering a proxy bid amount into the system for a select user, and means for automatically entering a bid



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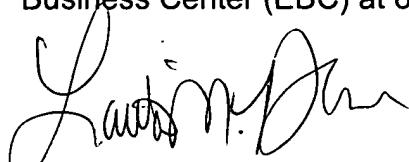
incrementally greater than the current bid but less than or equal to the proxy bid amount for that select user in response to another user gaining control of the current bid (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); means for displaying the select user's proxy bid (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); means for displaying a plurality of possible proxy bids (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); means for determining whether or not the select user's bid is the current bid (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); means for displaying an indicator indicating whether or not the select user's bid is the current bid (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); a networked computer system having a plurality of monitors, means for displaying a current bid upon the remote computer workstation video monitors, means for entering a proxy bid amount into the system for a select user, and means for automatically entering a bid incrementally greater than the current bid but less than or equal to the proxy bid amount for that select user in response to another user gaining control of the current bid (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); means for displaying the select user's proxy bid (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); means for displaying a plurality of possible proxy bids (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); means for determining whether or not the select user's bid is the current bid (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55); and means for displaying an indicator indicating whether or not the select user's bid is the current bid (fig.1-2, 3a, and 4; col.2, lines 10-62; and col.4, line 60 to col.5, line 55).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LMH